

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652-01

vs.

HON. GEORGE CARAM STEEH

BILLY ARNOLD,

Defendant.

ORDER DENYING AS MOOT DEFENDANT'S MOTION FOR
DISCLOSURE OF BRADY MATERIALS AND 404(b) EVIDENCE AND GRANTING
MOTION FOR LEAVE TO FILE ADDITIONAL MOTIONS [DOCS. 42, 43, 44]

Defendant Billy Arnold has moved for an order requiring the government to turn over evidence in its possession that is favorable to defendant and material to guilt or punishment under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. The government has assured defendant and the Court that it will make available all exculpatory and impeachment evidence that must be disclosed under *Brady*, and to the extent any new exculpatory evidence becomes available, the government will make it available to defense counsel. As such, defendant's motion to order disclosure of Brady materials hereby is DENIED AS MOOT.

Defendant also moves for an order requiring the government to provide notice of any evidence it will seek to rely upon at trial which falls within the parameters of Fed. R. Evid. 404(b). The government responds that it has not identified any 404(b) evidence to

date, but will file a timely notice as required before trial, if necessary. As such, defendant's motion to order disclosure of 404(b) evidence is DENIED AS MOOT.

In addition, defendant has moved for leave to file additional motions, if necessary, after reviewing discovery documents. Defendant's motion is GRANTED, giving defendant a *reasonable time* to file any additional motions deemed necessary after discovery has been provided.

It is so ordered.

Dated: March 30, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 30, 2016, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk